Exhibit 1

SOUTHERN ENVIRONMENTAL LAW CENTER

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April 8, 2022

Via Certified Mail; Return Receipt Requested

Hon. Lanny E. Thomas, Mayor
Town of Trion, Georgia
1220 Pine St.
P.O. Box 850
Trion, GA 30753

Mr. Andrew Melton
Superintendent
Town of Trion Water Pollution Control Plant
15131 Highway 27
Trion, GA 30753

Re: Notice of intent to sue the Town of Trion over PFAS discharges and contamination in violation of the Clean Water Act and the Resource Conservation and Recovery Act at and from the Trion Water Pollution Control Plant

Dear Mayor Thomas, and Mr. Melton:

On behalf of Coosa River Basin Initiative ("CRBI"), this letter serves as notice of its intent to commence a legal action in United States District Court against the Town of Trion, Georgia ("Trion"), owner and operator of the Trion Water Pollution Control Plant ("WPCP"), located in Trion, Georgia, for ongoing violations of the Clean Water Act and the Resource Conservation and Recovery Act.

Unless these violations are fully redressed, CRBI will file a lawsuit under the citizen suit provisions of the Clean Water Act, 33 U.S.C. § 1365 and 40 C.F.R. §§ 135.1 to 135.5, and the Resource Conservation and Recovery Act (or "RCRA"), 42 U.S.C. § 6972(b)(2)(A) and 40 C.F.R. § 254, after the applicable notice periods have expired. CRBI will seek injunctive relief, appropriate monetary penalties, fees and costs of litigation, and such other relief as the court deems appropriate to cease and correct the ongoing violations described below.

I. Summary of Violations

Northwest Georgia has a problem with per- and polyfluroalkyl substances ("PFAS") contamination. Home to one of the most biologically diverse river basins in North America, the Coosa River Basin serves as the drinking water source for numerous Georgia and Alabama communities, and is home to a vibrant recreation, tourism and fishing destination at Weiss Lake, Alabama, a waterbody fed in part by the Chattooga River.

Mount Vernon Mills, Inc. (or the "Mill") and the Trion WPCP are responsible for PFAS contamination in the Chattooga River watershed. Trion's WPCP is dominated by the Mill's industrial wastewater, with ninety-five percent of the WPCP's wastewater operations devoted to servicing the Mill's PFAS-laden waste. But rather than remove that pollution before it is discharged to the environment, the Trion WPCP discharges PFAS to the Chattooga River through an outfall pipe and contaminates the surrounding watershed with PFAS from its sludge disposal operations. These activities are unlawful.

A. Trion's Violations of the Clean Water Act

The Town of Trion is in violation of the Clean Water Act, 33 U.S.C. § 1311(a), because it is discharging PFAS from the WPCP's Outfall 001 to the Chattooga River without a NPDES permit and in violation of its NPDES permit. There are no PFAS treatment processes, technology, or other controls at the Trion WPCP to remove or destroy these pollutants before they are discharged to the Chattooga River via Outfall 001, and Trion did not disclose PFAS as a pollutant in its NPDES permit application. The Trion WPCP is therefore in violation of the Clean Water Act, and this violation is ongoing.

Trion is likewise in continuing violation of requirements imposed by its NPDES permit and federal law, including Part I.A.5, Part II.A.11, Part I.A.4, Part III.A.2, Part III.A.2.c, Part III.A.2.b; Part III.A.2.c.(i), Part III.A.2.c.(ii), and Part III.A.2.f; 33 U.S.C. §§ 1317(b), (d); 40 C.F.R. §§ 403.5(a)(1), (c)(1)-(c)(2), and 40 C.F.R. § 403.8(f)(1). Trion's WPCP is illegally discharging PFAS from its wastewater and sludge operations into the Chattooga River and its tributaries, and will continue to do so unless the waste it is receiving from Mount Vernon Mills no longer contains these chemical and industrial wastes, or adequate pollution control technology is installed at the WPCP to remove them before they are discharged to the Chattooga River.

B. Trion's RCRA Violations

Trion is in violation of 42 U.S.C. § 6972(a)(1)(B) of the Resource Conservation and Recovery Act ("RCRA"), because it has and is causing and contributing to biosolids/sludge waste handling, storage, treatment, transportation and land disposal from the Trion WPCP in a manner that may present an imminent and substantial endangerment to health or the environment arising from PFAS.

C. Civil enforcement demand

Trion must take immediate steps to redress these violations, including, but not limited to:

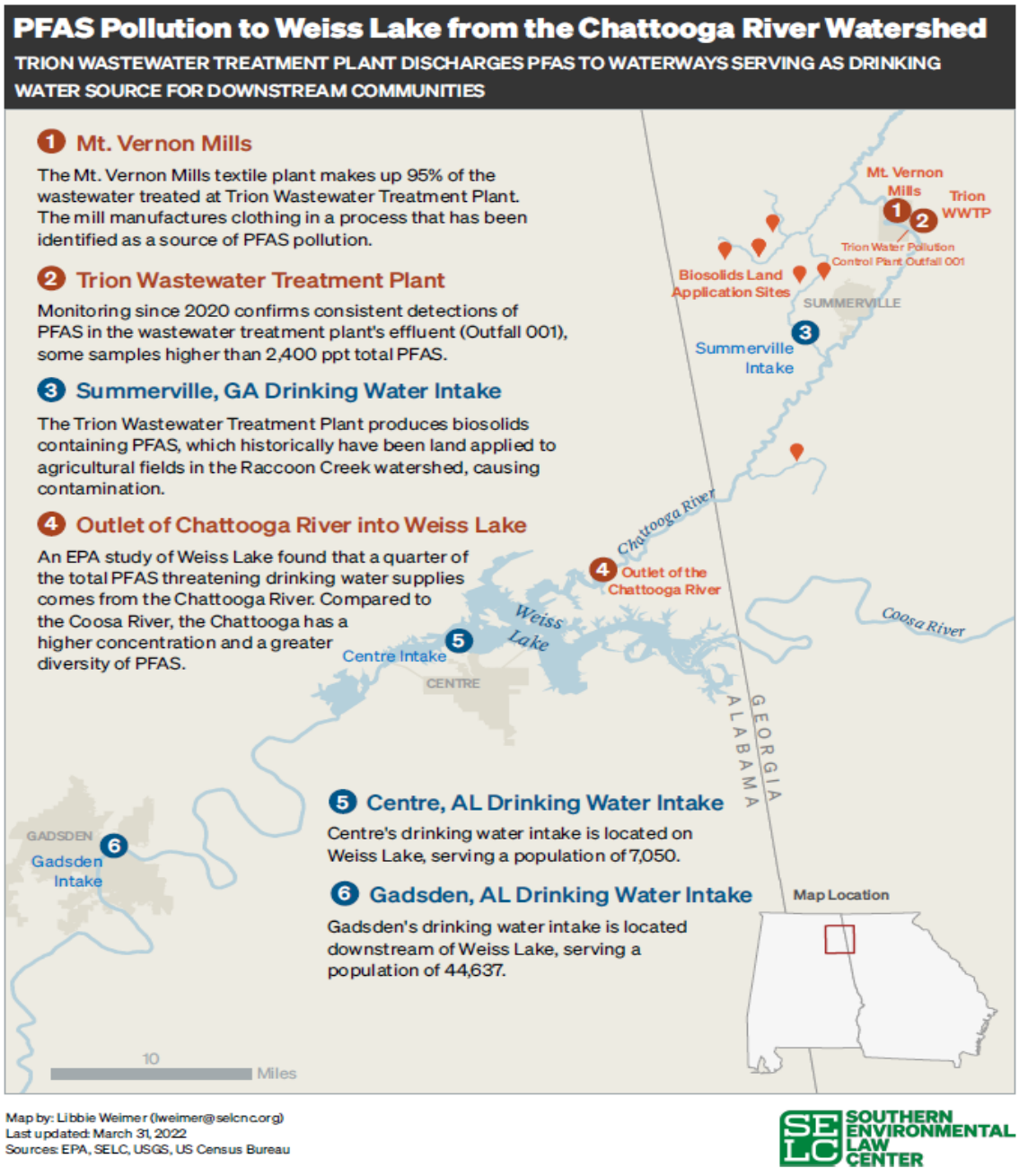
- Ceasing and preventing the discharge of PFAS from the Trion WPCP by:
    i. Properly administering and enforcing its pretreatment program to require Mount Vernon Mills to disclose all PFAS it is discharging to the WPCP before its industrial wastewater enters the Trion WPCP, and prohibiting Pass Through and/or Interference caused by the Mill's PFAS discharges;
    ii. Installing treatment technology at the WPCP that effectively treats (removing, and/or destroying) all PFAS pollution before it discharges from the WPCP operations in sludge and via Outfall 001; and
    iii. Monitoring its biosolids and wastewater discharges to verify and report that PFAS are no longer discharging to surface waters and prior to disposal of biosolids generated by the WPCP.
- Ceasing the handling, storage, treatment, transportation or disposal of PFAS from biosolids land application sites in the Chattooga River watershed, including along

Teloga Creek, Racoon Creek, and/or Hinton Creek in a manner which may present an imminent and substantial endangerment to health or the environment.

II. Background

Both Mount Vernon Mills and the Trion WPCP are situated next to the Chattooga River in northwest Georgia, one of the two main tributaries of Weiss Lake, Alabama. (*See* Location 1 and Location 2, Fig. 1, *infra*).

Fig. 1



The headwaters of the Chattooga River begin in Walker County, north of Lafayette, Georgia. The River flows southwest across the Alabama-Georgia state line to Weiss Lake near Gainesville, Alabama. Weiss Lake occupies about 30,200 acres and is fed by the Chattooga River and Coosa River from Georgia. Boasting nearly 450 miles of shoreline, shallow flats, large coves, underwater drop-offs and scenic beauty, the Lake is a priceless natural resource and economic driver for the surrounding community. Weiss Lake contains numerous fish species, including crappie, largemouth bass, and striped bass, some of which can be fished year-round. The Lake is known as the "Crappie Capitol of the World," [1] with anglers consuming their catch regularly. Numerous privately-owned hotels, marinas, campgrounds, and bait and tackle stores are situated near the shores of Weiss Lake, with approximately half a million annual visitors, generating more than $36 million in wages and over 4,000 jobs in the surrounding region. [2] It is estimated that the annual economic impact from tourism, fishing, and boating average approximately a quarter of a billion dollars for the region, while the value to those who reside or recreate near Weiss Lake is incalculable. [3]

The city of Centre, Alabama is situated on Weiss Lake, where its public drinking water intake is located. (Location 5, Fig. 1 *supra*). The city of Gadsden, Alabama draws its drinking water from the Coosa River southwest of Weiss Lake. (*Id.* at Location 6).

A. Trion's Water Pollution Control Plant.

Trion's WPCP is designed to treat domestic waste. The WPCP uses an activated sludge biological treatment process to treat this wastestream, which is the treatment method prescribed by Trion's National Pollutant Discharge Elimination System ("NPDES") Permit. Trion's conventional treatment process "consists of screening, pH control, chemical addition for phosphorus removal, biological treatment (activated sludge), secondary clarification, and ozone disinfection (chlorine chamber is used as a back up disinfection system)" whereby "Treated effluent is discharged to the Chattooga River" via Outfall 001. [4]

Discharges from the Trion WPCP are governed by NPDES Permit No. GA0025607 issued by the Environmental Protection Division of the Georgia Department of Natural Resources ("EPD"). Trion's current NPDES Permit is effective on or about February 11, 2019, issued by the EPD based on a renewal permit application submitted in March 2018 ("Trion 2018 NPDES Application"). Domestic waste constitutes approximately *six percent* of the wastewater treated by the Trion WPCP. Although the WPCP is designed to treat domestic waste, the vast majority of the waste that passes through the WPCP – *ninety-four percent* of the WPCP's

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[1] *See, e.g.,* Frank Sargeant, "Prime Time for Weiss Lake crappie," The Huntsville Times (Dec. 2, 2012), *available at* https://www.al.com/sports/2012/12/prime_time_for_weiss_lake_crap.html (accessed March 6, 2022) (Attachment 1 hereto).

[2] *See* Welcome to Weiss Lake Improvement Association!, *available at* https://weisslakeimprovementassociation.org/ (*accessed* March 6, 2022) (Attachment 2 hereto).

[3] *See id.*

[4] *E.g.,* Trion WPCP, NPDES Permit No. GA0025607, Fact Sheet at p. 2 of 20 (Sept. 2018).

process volume – is "industrial waste" from Mount Vernon Mills, a large textile manufacturer. [5] The industrial process at Mount Vernon Mills consists of spinning, weaving, dyeing, bleaching, and flame retardant production of denim fabric, generating about 3,230,000 gallons per day (gpd) of process wastewater and about 220,000 gpd of non-process wastewater sent to the Trion WPCP for treatment. [6]

The WPCP's Outfall 001 effluent characteristics reported by Trion in its NPDES permit application make no mention of PFAS or any PFAS compound. [7] Nevertheless, the wastewater discharged from the Mill to the WPCP is contaminated with PFAS, and both Trion and the Mill are aware of this fact. Trion WPCP staff were informed by at least July 2020 that Mount Vernon Mills was discharging PFAS to Trion's treatment works. In a July 13, 2020 email from Ron Beegle of Mount Vernon Mills to Andy Melton at the Trion WPCP, the Mill confirms PFAS discharges:

> Again, this data supports my belief that the primary fluorochemicals that we're using today are based on short chain eA and xA. Still uncertain, though, why the effluent continues to be higher than the influent on the PFOA and [primarily the] PFOS….[8]

Despite this knowledge concerning the receipt and handling of these dangerous industrial toxins by a treatment works that is wholly unequipped to remove it, and despite the Mill's domination of the wastewater treatment operations at the Trion WPCP, neither the Mill nor Trion have upgraded their waste handling or treatment processes to cease their PFAS contamination.

Trion administers a pretreatment program for Industrial Users such as Mount Vernon Mills, and Trion is therefore required to properly implement federal and state industrial pretreatment standards and requirements on Mount Vernon Mills. *E.g.,* 40 C.F.R. §§ 403.5(a)(1), (c)(1), (c)(2). These requirements are intended to ensure that pollutants do not enter covered waters, unless they are authorized by law. Trion has failed to properly administer that program with respect to Mount Vernon Mills, its sole Significant Industrial User.

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[5] Town of Trion Water Pollution Control Plant Process Description (Attachment 3 hereto).

[6] Trion 2018 NPDES Application, EPA Form 3510-2A (Rev. 1-99) p.18 of 21, Supplemental Application Information, Significant Industrial User Information.

[7] Trion NPDES Permit Fact Sheet at p. 2 of 20.

[8] July 13, 2020 email from R. Beegle, Corporate Director of Environmental Affairs, Mount Vernon Mills, to A. Melton, Superintendent, Town of Trion WPCP, *Re: Town of Trion WPCP PFAS Results* (Attachment 4 hereto) (brackets in original). The references to "eA" and "xA" are better understood as shorthand references to PFPeA and PFHxA, each of which are PFAS compounds reported in the Trion WPCP's sampling of effluent discharges. *See* discussion, *infra* pp. 8–10 and Notes 18–20.

B. The Trion WPCP generates PFAS contaminated sludge and discharges PFAS via Outfall 001, polluting the Chattooga River and Weiss Lake.

1. Trion's PFAS discharges to the Chattooga River.

As a result of their waste handling, treatment, transport, and disposal activities, Trion and Mount Vernon Mills are contaminating the Chattooga River watershed with PFAS. Indeed, Trion's conventional wastewater treatment process *increases* PFAS concentrations, rather than removing it before contaminating the environment. [9] Trion's own data bears out this phenomenon, where a Mount Vernon Mills representative admitted that "effluent [PFAS] continues to be higher than the influent…" at the WPCP's discharge outfall. [10]

Trion's PFAS contamination via direct discharge from the WPCP and sludge application, is widespread and pervasive. Following extensive data collection and analysis of the region from 2018 to 2020, the Environmental Protection Agency confirmed high concentrations of PFAS in both surface waters and sediments "in watersheds with active biosolids land application sites…" draining to the Chattooga River, including Raccoon Creek, Teloga Creek, and Hinton Creek. [11] These pollutant discharges have contaminated downstream drinking water sources. Sampling of Summerville's finished drinking water in 2013 to 2015 reported PFOA and PFOS contamination while its surface water intake on Racoon Creek was located downstream from Trion's WPCP sludge disposal operations. [12]

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[9] Melissa M. Schultz, *et al.*, *Fluorochemical mass flows in a municipal wastewater treatment facility,* 40 Environmental Sci. & Tech. 7350–57 (December 1, 2006) (Attachment 5 hereto), *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556954/ (*accessed* March 29, 2022); July 13, 2020 email from Elizabeth Booth, Georgia Department of Natural Resources, to Anna Truszczynski, Lewis Hayes, James Capp, Georgia Department of Natural Resources re "Town of Trion 6-22-20 PFAS Results" (Attachment 6 hereto) (noting based on Trion WPCP influent and effluent data reported for June 2020, that "PFOAs are higher in the effluent than influent" and reply from Anna Truszczynski, "Yes. Consistent with a number of studies on [Wastewater Treatment Plants].").

[10] *See* e.g., *supra* Note 8 (Attachment 4 hereto); *see also* EPD July 2020 email exchange re Trion WPCP influent/effluent PFAS sampling, *supra* Note 9 (Attachment 6 hereto).

[11] EPA, LSASD Project ID: 20-0018, CHARACTERIZATION OF AMBIENT PFAS IN THE CHATTOOGA RIVER WATERSHED – FINAL REPORT (Jan. 22, 2020) (hereinafter "**EPA 2020 Chattooga PFAS Report**") at pp. 14-15, 18 (Table1), 25 (Figure 1), 27-28 (Figure 2; Figure 3) (Attachment 7 hereto); *see also* April 13, 2020 Consent Order No. EPD-WP-8894 among Town of Trion, Georgia and Richard E. Dunn, Director of the Environmental Protection Division, Georgia Department of Natural Resources at pp. 3-4, 6-7 (hereinafter "**Trion 2020 Consent Order**") (Attachment 8 hereto).

[12] Trion 2020 Consent Order at pp. 3-5; *see* EPA, Unregulated Contaminants Monitoring Rule 3 ("UCMR3") (2013-2015) Occurrence Data, UCMR3 Data Summary, *available at* https://www.epa.gov/dwucmr/data-summary-third-unregulated-contaminant-monitoring-rule (*accessed* March 29 , 2022) (Attachment 9 hereto); Instructions for Importing and Viewing UCMR3 Results, *available at* https://www.epa.gov/dwucmr/instructions-using-microsoft-excel-

Trion has been disposing of its PFAS-contaminated sludge at these sites for years, illegally discharging PFAS to Teloga Creek, Raccoon Creek, and Hinton Creek. Surface water samples collected by EPA the week of November 4, 2019 downstream of the Trion WPCP's "active biosolids land application" in Hinton Creek, Raccoon Creek, and Teloga Creek all reported PFAS contamination. [13] Subsequently, on January 23, 2020, EPA and Georgia EPD "took water samples from Racoon Creek at the water intake for the City of Summerville's Raccoon Creek drinking water treatment plant, and the City of Summerville's Goodwin Hill Tank" and the results reported on January 30, 2020 confirmed elevated levels of PFAS contamination at each sampling location. [14] Consequently, the sampling data reported for November 2019 and January 2020 represents dates of Trion's violations of the Clean Water Act and RCRA, arising from illegal discharges of PFAS to Raccoon Creek, Hinton Creek, and/or Teloga Creek that likely occurred prior to the week of November 4, 2019 (Raccoon Creek, Hinton Creek, and Teloga Creek) and prior to January 23, 2020 (Teloga Creek), which discharges are continuing.

Similar to Summerville's drinking water contamination, the Alabama cities of Gadsden and Centre have reported PFAS contamination at their drinking water intakes, and they too are situated downstream of Trion's PFAS discharges and sludge disposal contamination. [15]

Additionally, the Trion WPCP discharges PFAS from Outfall 001 to the Chattooga. Sample results "immediately downstream of the discharge of the Trion WPCP to the Chattooga River on April 25, 2018 showed combined levels of PFOA and PFOS of 83 parts per trillion…"

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import-third-unregulated-contaminant-monitoring-rule-ucmr (*accessed* March 29 , 2022) (Attachment 10 hereto); UCMR3 Occurrence Data By State (January 2017), *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-state.zip (*accessed* March 29, 2022) (Attachment 11 hereto); UCMR3 Occurrence Data by Method Classification, *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-method-classification.zip (*accessed* March 29, 2022) (Attachment 12 hereto); EPA, National Contaminant Occurrence Database ("NCOD"), *available at* https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod (*accessed* March 7, 2022) (Attachment 13 hereto).

[13] EPA 2020 Chattooga PFAS Report at pp. 8, 18 (Table 1) (surface sample locations HIC01, RAC01, and TEC01) 20 (Table 5) (PFAS data corresponding to surface water sample collection locations).

[14] Trion 2020 Consent Order at pp. 3-4.

[15] *See* EPA 2020 Chattooga PFAS Report at pp. 8, 18 (Table 1) (identifying Trion's sludge disposal sites contaminating Hinton Creek, Racoon Creek, Teloga Creek and the Chattooga River with PFAS)*; see also* EPA, LSASD Project ID: 19-0253 FINAL REPORT – PHASE 2: PRIORITIZATION OF PFAS CONTRIBUTIONS TO WEISS LAKE (Sept. 10, 2019) (hereinafter "**EPA 2019 Weiss Lake PFAS Report**") at pp. 7, 14, 17, 35-36 (Figure 1, Figure 2) (identifying Centre and Gadsten drinking water intakes relative to confirmed PFAS contamination downstream of Trion's WPCP PFAS sludge disposal and discharge contamination of the Chattooga River, one of the main tributaries to Weiss Lake) (Attachment 16 hereto).

[16] Subsequently, EPA and EPD conducted sampling from Mount Vernon Mills' effluent discharge to the Trion WPCP, and the WPCP's effluent discharge to the Chattooga River on February 5, 2020, which confirmed "combined levels of PFOA and PFOS in the discharge at Outfall 001 "of 99 and 121 parts per trillion (2 samples) along with measurable concentrations of numerous other PFAS chemicals." [17] Consequently, the April 25, 2018 and February 2020 sampling data represents dates of Trion's and Mount Vernon Mills' violations of the Clean Water Act, arising from illegal discharges of PFAS to the Chattooga River occurring at least on those dates and likely prior to the dates that these pollutants were detected.

Trion WPCP PFAS Effluent Discharges via Outfall 001

Furthermore, Trion WPCP effluent sampling data collected from February 2020 to February 2021 reports PFAS pollutant discharges from Outfall 001 to the Chattooga River on the following dates: [18]

[see next page]

[16] Trion 2020 Consent Order at p. 3.

[17] Trion 2020 Consent Order at p. 4.

[18] *See* **(1)** Jason Collum, Memorandum February 20, 2020, EPA, Region 4 Laboratory Services and Applied Science Division, Project 20-0189, Trion Wastewater EPD PFAS, reporting samples collected February 5, 2020 (hereinafter "Trion PFAS Analytical Results Feb. 5, 2020") at p. 17 (Effluent Duplicate) (Attachment 17 hereto); **(2)** Pace Analytical, February 19, 2020 Report of Analysis, Town of Trion WPCP, Lot No. VB14013, reporting samples collected February 13, 2020 (hereinafter "Trion PFAS Analytical Results Feb. 13, 2020") at p. 6 (Effluent duplicate) (Attachment 18 hereto); **(3)** Enthalpy Analytical, LLC – Ultratrace, July 9, 2020 Analytical Report 0620-756, Town of Trion WWTP samples received 06/23/20, reporting samples collected June 22, 2020 (hereinafter "Trion PFAS Analytical Results June 22, 2020") at pp. 9-10 (Effluent) (Attachment 19 hereto); **(4)** Enthalpy Analytical, LLC – Ultratrace, August 24, 2020 Analytical Report 0820-703, Town of Trion WWTP samples received 08/05/20, reporting samples collected August 4, 2020 (hereinafter "Trion PFAS Analytical Results August 4, 2020") at p. 14 (Effluent) (Attachment 20 hereto); **(5)** Enthalpy Analytical, LLC – Ultratrace, October 29, 2020 Analytical Report 1020-725, Town of Trion WWTP samples received 10/13/20, reporting samples collected October 12, 2020 (hereinafter "Trion PFAS Analytical Results October 12, 2020") at pp. 12-13 (Effluent) (Attachment 21 hereto); **(6)** Enthalpy Analytical, LLC – Ultratrace, January 8, 2021 Analytical Report 1220-737, Town of Trion WWTP samples received 12/17/20, reporting samples collected December 16, 2020 (hereinafter "Trion PFAS Analytical Results December 16, 2020") at p. 12 (Effluent) (Attachment 22 hereto); and **(7)** Enthalpy Analytical, LLC – Ultratrace, March 11, 2021 Analytical Report 0221-759, Town of Trion WWTP samples received 02/25/21, reporting samples collected February 24, 2021 (hereinafter "Trion PFAS Analytical Results February 24, 2021") at pp. 11-12 (Effluent) (Attachment 23 hereto).

Table 1	
Discharge Date (Trion WPCP effluent Outfall 001)	**Total PFAS Concentration** [19] (in parts per trillion (ppt))
February 5, 2020	1,814 ppt
February 13, 2020	360 ppt (PFOA/PFOS only)
June 22, 2020	3,014 ppt
August 4, 2020	2,777 ppt
October 12, 2020	1,640 ppt
December 16, 2020	1,267 ppt
February 24, 2021	2,632 ppt

Because the WPCP is incapable of removing these pollutants through its conventional treatment process, these effluent discharges to the Chattooga River are continuing, given the Plant's ongoing receipt of polluted influent from Mount Vernon Mills.

PFAS influent discharges to the WPCP from Mount Vernon Mills

In seven sample collection events of the wastewater influent from Mount Vernon Mills (*i.e.,* the wastewater entering the Trion WPCP from the Mill), PFAS was reported in *every* sample collection event from February 5, 2020 to February 24, 2021.

[see next page]

[19] PFAS concentrations correspond to analytical data reported without a "U" or other lab analytical data qualifier, rounded to nearest whole number; the actual reported total PFAS data in cited reports are higher when including data featuring qualifiers. Reported PFAS compounds include, but are not limited to, PFOA, PFOS, PFBA, PFBS, PFHpA, PFHxA, PFHxS, PFHpA, PFNA, PFDA, PFUnDA, PFPeA, PFPeS, PFHpS, PFNS, PFOSA, n-MeFOSAA, FBSA, PFPeA, PFHxA, 8:2 FTS, 6:2 FTS or some combination of the foregoing as detailed in the cited sample analytical reports.

Trion's WPCP influent sampling data reports: [20]

Table 2	
Date (Influent discharged to WPCP from Mount Vernon Mills)	**Total PFAS Concentration** [21] (in parts per trillion (ppt))
February 5, 2020	435 ppt
February 13, 2020	290 ppt (PFOA/PFOS only)
June 22, 2020	1,131 ppt
August 4, 2020	1,549 ppt
October 12, 2020	511 ppt
December 16, 2020	464 ppt
February 24, 2021	703 ppt

The Mill's discharge to the WPCP of PFAS-contaminated industrial waste is continuing, as the Mill has failed to pretreat its wastewater to remove PFAS before it enters the WPCP, as the above data establishes. For its part, Trion has likewise failed to properly administer its pretreatment program or enforce pretreatment requirements to cease this PFAS contamination before it enters the WPCP. These failures are causing PFAS to discharge to the Chattooga River via Outfall 001 and the surrounding watershed from sludge land disposal.

2. Trion's PFAS contamination of Weiss Lake, Alabama

Trion's WPCP and sludge disposal practices are a substantial cause of Weiss Lake PFAS contamination. Based on its environmental investigation of the region, EPA concluded in 2019 that the Chattooga River "comprised roughly a quarter of the total PFAS input to Weiss Lake" despite "a flow 7 times lower than that of the Coosa River" which is also contaminating the Lake with PFAS. [22] Notably, EPA observed that the Chattooga River PFAS contamination is responsible for "[t]he highest concentration of total PFASs and the most diverse composition" of

[20] *See supra*, Note 1818 at **(1)** Trion PFAS Analytical Results Feb. 5, 2020 at pp. 19-20 (WPCP Influent); **(2)** Trion PFAS Analytical Results Feb. 13, 2020 at pp. 8-9 (Influent); **(3)** Trion PFAS Analytical Results June 22, 2020 at p. 11 (Influent); **(4)** Trion PFAS Analytical Results August 4, 2020 at p. 15 (Influent); **(5)** Trion PFAS Analytical Results October 12, 2020 at p. 11 (Influent); **(6)** Trion PFAS Analytical Results December 16, 2020 at p. 11 (Influent); and **(7)** Trion PFAS Analytical Results February 24, 2021 at p. 10 (Influent).

[21] *See* Note 19, *supra*.

[22] EPA 2019 Weiss Lake PFAS Report at p. 17 *supra* Note 15 (Attachment 16 hereto).

PFAS compounds contaminating the Lake. [23] Overall, EPA concluded "that the Coosa and Chattooga Rivers are the most significant contributors of observed PFOA and PFOS concentrations to the receiving waters of Weiss Lake and associated public drinking water intakes in Centre City and Gadsden, Alabama." [24]

While they are a main cause of PFAS contamination in Weiss Lake, Trion and Mount Vernon Mills are *the* cause of PFAS contamination to the Chattooga River, which is in turn contaminating the Lake. EPA determined that *no* PFAS were detected in the headwaters of the Chattooga upstream of the Trion WPCP and the biosolids land application sites where Trion had been disposing PFAS-contaminated sludge. [25] Rather, EPA's sampling reported total PFAS at concentrations over *1,500* ppt on Racoon Creek downstream of where biosolids from the Trion WPCP had been land applied for several years. [26] EPA's sampling of Teloga Creek, another Chattooga River tributary downstream of Trion's biosolids land application reported total PFAS of 5,840 ppt, with surface waters at Hinton Creek reporting total PFAS of 3,452 ppt downstream of Trion's sludge disposal in the watershed. [27]

[see next page]

[23] *Id.*

[24] *Id.*

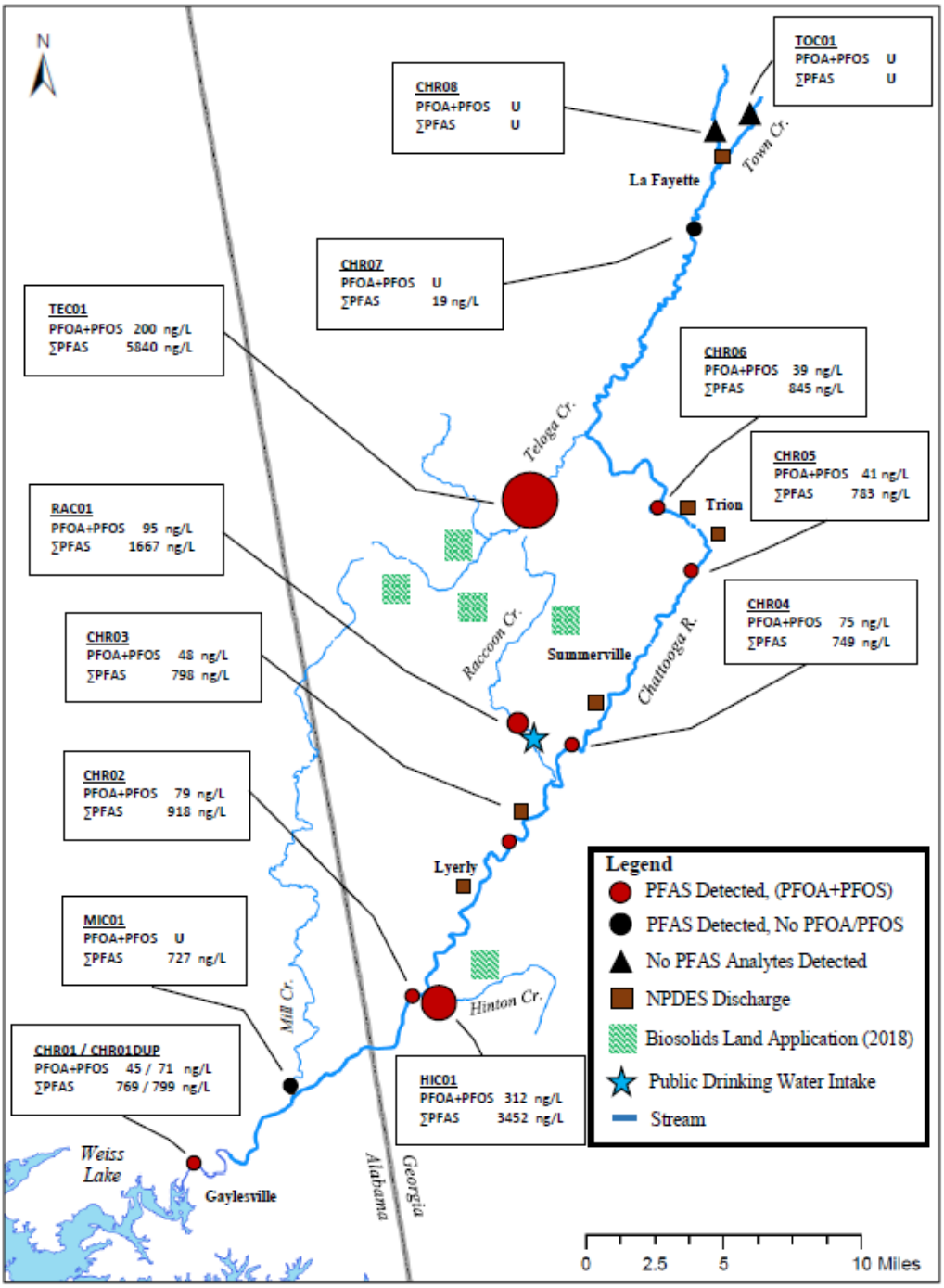
[25] *See* EPA 2020 Chattooga PFAS Report at p. 10, *supra* Note 11 (concluding that "No PFAS compounds were detected at or above the minimum reporting limit (MRL) in the samples collected from the headwaters of the Chattooga River" and that the "much higher [total] ΣPFAS concentrations" were detected from "watersheds with active biosolids land application…" As noted above, the Trion WPCP is the cause and contributor to this sludge disposal in the Chattooga watershed, with the Trion WPCP's direct effluent discharges of PFAS from NPDES Outfall 001 an additional point source discharge of PFAS to the Chattooga River).

[26] *See id.,* EPA 2020 Chattooga PFAS Report at pp. 9-10, 14-15, 26 Figure 2 (Surface Water Sample RAC01 reporting PFOA + PFOS at 95 ppt and total PFAS approximately 1,667 ppt at Raccoon Creek). *See also* Trion 2020 Consent Order at pp. 4-5 ("WHEREAS, the land application of biosolids by the [Town of Trion] from the Trion WPCP at multiple locations in the Raccoon Creek Watershed in Chattooga County is contributing to the levels of PFOA and PFOS in Raccoon Creek and consequently the finished drinking water from the City of Summerville's Raccoon Creek drinking water treatment plant; …")

[27] *See* EPA 2020 Chattooga PFAS Report at pp. 14-15, 26 (Figure 2, sample locations TEC01 (Teloga Creek surface sample location), HIC01 (Hinton Creek surface sample location)).

(*See* EPA 2020 Chattooga PFAS Report, at p. 26 Figure 2 (biosolids land application sites featured as green boxes, red dots depicting mass of reported PFAS detections in surface waters)):

Figure 2: Overview of PFAS in Surface Water



Concentrations of combined PFOA + PFOS and total PFAS are shown in the figure above. Station icons are scaled with respect to total PFAS.

C. Pollutants of Concern: PFAS are toxic and bioaccumulative, and persist in the environment and in our bodies

PFAS refer to a class of thousands of human-made chemicals that are used in various forms of manufacturing, including textile production and processing. [29] Mount Vernon Mills discharges PFAS as chemical wastes, and "industrial waste" [30] to the Trion WPCP, which are in turn discharged to the Chattooga River. PFAS contaminate the biosolids sludge generated by the Trion WPCP, which are and have been deposited as solid waste in the Chattooga River, along Teloga Creek, Hinton Creek, and Raccoon Creek. As such, PFAS are a "pollutant" under the Clean Water Act. 33 U.S.C. § 1362(6). To the extent PFAS or any PFAS compound identified herein or in attachments hereto are subsequently classified by statute or regulation as a Toxic or a Priority Pollutant under the Clean Water Act, CRBI adopts and incorporates such classification in this notice letter.

Once released into the environment, PFAS persist for years, are highly mobile, and can bioaccumulate in organisms including humans. Exposure to two of the most pervasive, often-studied PFAS, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), have been found to cause numerous adverse health impacts, including human developmental effects to fetuses and infants, kidney and testicular cancer, liver malfunction, hypothyroidism, high cholesterol, ulcerative colitis, lower birth weight and size, obesity, decreased immune response to vaccines, reduced hormone levels and delayed puberty. [31] Epidemiological studies suggest that many of these same human health impacts, among others, are associated with exposure to a litany of other PFAS. [32]

PFAS pose a health threat to drinking water supplies. The U.S. Agency for Toxic Substances and Disease Registry ("ATSDR"), a division of the U.S. Department of Health and

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[29] EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, *available at* https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (*accessed* March 30, 2022) (Attachment 24 hereto).

[30] *Supra* Note 5 (Attachment 3, Trion WPCP Process Description).

[31] Arlene Blum et al., *The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs)*, 123 ENVTL. HEALTH PERSPECTIVES 5, at p. A 107 (2015) ("The Madrid Statement") (Attachment 25 hereto); EPA, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories*, p. 2 (Nov. 2016) *available at* https://www.epa.gov/sites/default/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf (*accessed* March 30, 2022) (Attachment 26 hereto); *see also* EPA, *supra* Note 29.

[32] *See, e.g.,* U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry ("ATSDR"), Toxicological Profile for Perfluoroalkyls, at pp. 4-7 (Section 1.2 Summary of Health Effects) (May 2021) (hereinafter "**ATSDR 2021 PFAS Toxicological Profile**"), *available at* https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf (*accessed* April 3, 2022) (Attachment 27 hereto). These toxicological profiles "reflects ATSDR's assessment of all relevant toxicologic testing and information that that been peer-reviewed through September 2018." *Id. at* Foreword; *see also* EPA, *Supra* Note 29.

Human Services, [33] studied the toxicological literature and developed "minimal risk levels" (or "MRLs" – daily human exposure that is likely to be without risk of noncarcinogenic effects) for certain PFAS for which there was sufficient reliable literature. [34] In its 2021 report, ATSDR set minimal risk level reference doses of $3x10^{-6}$ mg/kg/day for PFOA; and $2x10^{-6}$ mg/kg/day for PFOS. Applying these 2021 minimal risk levels to calculate tapwater screening levels, the applicable minimal risk levels for PFOA is 11 ppt, and 7 ppt for PFOS – concentrations far below the concentrations reported in Teloga Creek, Hinton Creek, Racoon Creek, and the Chattooga River by EPA in 2020.

In addition to posing risks to public drinking water sources, PFAS can inflict lasting harms to the ecosystem. PFAS can cause damaging effects in fish,[35] amphibians,[36] mollusks,[37] and other aquatic invertebrates[38]—resulting in developmental and reproductive impacts, behavioral changes, adverse effects to livers, disruption to endocrine systems, and weakened immune systems.[39]

These health risks are not limited to wildlife. Human consumption of PFAS-contaminated fish is a confirmed route of exposure, together with ingesting PFAS in drinking water, inhaling airborne PFAS in an occupational setting, and other means such as contact with consumer products and textiles treated with PFAS. [40] Once human exposure occurs, it can take years for certain PFAS to leave the body, while residence times (and toxicity) for other PFAS remain to be

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[33] ATSDR conducted this research and analysis as part of its statutory role in researching health effects of toxic substances under the Federal CERCLA (Superfund) environmental remediation statute, section 104(i), 42 U.S.C. § 9604(i).

[34] *See* ATSDR 2021 PFAS Toxicological Profile, *supra* Note 32 at p. 15.

[35] *See, e.g.*, Haihua Huang et al., *Toxicity, Uptake Kinetics and Behavior Assessment in Zebrafish Embryos Following Exposure to Perfluorooctanesulphonicacid (PFOS)*, 98 AQUATIC TOXICOLOGY 139–147 (2010), *available at* https://perma.cc/YVQ6-7QXG (*accessed* March 29, 2022) (Attachment 28 hereto).

[36] *See, e.g.*, Gerald T. Ankley et al., *Partial Life-Cycle Toxicity and Bioconcentration Modeling of Perfluorooctanesulfonate in the Northern Leopard Frog (Rana Pipiens)*, 23 ENVIRON. TOXICOLOGY & CHEM. 2745–2755 (2004), *available at* https://pubmed.ncbi.nlm.nih.gov/15559291/ (Attachment 29 hereto).

[37] *See, e.g.*, Changhui Liu et al., *Oxidative Toxicity of Perfluorinated Chemicals in Green Mussel and Bioaccumulation Factor Dependent Quantitative Structure-Activity Relationship*, 33 ENVIRON. TOXICOLOGY & CHEM. 2323–2332 (2014), *available at* https://pubmed.ncbi.nlm.nih.gov/24995545/ (Attachment 30 hereto).

[38] *See, e.g.*, Guang-hua Lu, et al., *Toxicity of Perfluorononanoic Acid and Perfluorooctane Sulfonate to Daphnia magna*, 8(1) WATER SCIENCE & ENGINEERING 40–48 (2015), *available at* https://perma.cc/SM6P-CKKH (Attachment 31 hereto).

[39] *See supra* Notes 29, 35-39.

[40] *See* EPA, *supra* Note 29.

fully understood. [41] The Agency for Toxic Substances and Disease Registry has observed that "[h]igher exposure levels for individuals who reside in areas where substances such as PFOA contaminated both public and private water supplies have been documented[,]" warranting further study and biomonitoring. [42]

Indeed, the scientific literature to date indicates that many adverse health effects and troubling physical, chemical or biological impacts (such as affinity for certain organs or elements of our bodies, including blood) are attributable to human and/or animal exposure to numerous PFAS compounds. One of these PFAS compounds, **PFHxA**, has been found to be "as persistent as" PFOA and PFOS in the environment, "while being mobile in soil and groundwater" [43] – capable of contaminating the environment far beyond the original source of the discharge. The Mill and Trion WPCP discharge PFHxA, as detailed above. [44]

Exposure to a threshold concentration of **PFBA**, another Mill and Trion WPCP pollutant discharge, is capable of "induc[ing] increased thyroid and liver weight and cellular changes in both organs, changes in thyroid hormones, decreased cholesterol, and delayed development and decreased red blood cells and hemoglobin." [45]

The literature suggests that exposure to a threshold amount of **PFBS**, yet another compound reported in the Mount Vernon Mills discharge and Trion WPCP biosolids and wastewater effluent, can "result[] in lower body weight, delayed development and adverse female reproductive effects on offspring mothers as well as changes in thyroid hormone levels and cellular changes in kidneys." [46]

Over twenty distinct PFAS compounds have been confirmed in wastewater discharges from Mount Vernon Mills to the Trion WPCP, and from Trion's biosolids generated by the WPCP and its discharge effluent to the Chattooga River at Outfall 001, with numerous other PFAS likely also included in these wastestreams. (*See* discussion at pp. 8–10 *supra*). "Once adverse effects are identified, it will take decades, centuries, or even longer to reverse

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[41] *See, e.g.,* U.S. National Institute of Health ("NIH"), *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), available at* https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm (Attachment 32 hereto); ATSDR 2021 PFAS Toxicological Profile, *supra* Note 32 at pp. 649, 670-71,755.

[42] ATSDR 2021 PFAS Toxicological Profile for Perfluoroalkyls, *supra* Note 32 at pp. 756-57.

[43] Fan Li et al., *Short-chain per- and polyfluoroalkyl substances in aquatic systems: Occurrence, impacts and treatment*, 380 CHEMICAL ENGINEERING J., at 3 (Aug. 2019), *available at* https://www.sciencedirect.com/science/article/abs/pii/S1385894719319096 (Attachment 33 hereto).

[44] *See supra* Notes 18-20 (Trion WPCP PFAS influent and effluent data) and Table 1 and Table 2, pp. 8–10 *supra*.

[45] Fan Li et al., *supra* Note 43 at p. 5.

[46] *Id.*

contamination and reduce the harm to our health and the environment." [47] Moreover, human "[e]xposure to PFAS occurs in complex mixtures of multiple PFAS, yet at present, fewer than 50 individual PFAS (often fewer than 10) are commonly measured in environmental media." [48]

III. Trion's Violations of the Clean Water Act

A. Trion's unpermitted PFAS discharges

Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source to Waters of the United States except in compliance with, among other conditions, a NPDES permit issued under Section 402, 33 U.S.C. § 1342. Each discharge of a pollutant that is not authorized by a NPDES permit constitutes a separate violation of the Clean Water Act. 33 U.S.C. § 1319(d). Persons in violation of these prohibitions are subject to a civil penalty not to exceed $59,973 per day for each violation. *Id.*; 40 CFR § 122. The Town of Trion does not have a permit for its past and ongoing illegal discharges of PFAS from the WPCP Outfall 001 to the Chattooga River. Yet, analytical results from surface water, WPCP influent, WPCP effluent, and other samples collected over the past several years confirm that Mount Vernon Mills is discharging PFAS to the Trion WPCP, and that the Trion WPCP is discharging PFAS pollutants to the Chattooga River via Outfall 001.

The NPDES permitting program authorizes discharge of pollutants that were within the reasonable contemplation of the permitting agency at the time the permit was issued. Piney Run Pres. Ass'n v. City Comm'rs of Carroll Cty., Md., 268 F.3d 255, 268-69 (4th Cir. 2001). To meet that requirement, the permit applicant must disclose the existence of pollutants in its wastewater. Trion did not disclose the discharge of PFAS in its Trion 2018 NPDES Application, [49] and therefore any discharge of PFAS from the WPCP is illegal. 33 U.S.C. § 1311(a).

Dates of Trion's violations of the Clean Water Act § 1311(a) likely occurred prior to April 25, 2018 when PFOA and PFOS were detected at a combined concentration of 83 ppt "immediately downstream of the discharge of the Trion WPCP to the Chattooga River," [50] and prior to November 4, 2019 when elevated PFAS concentrations were reported in sampling conducted by EPA in Teloga Creek, Raccoon Creek, and Hinton Creek downstream of the Trion WPCP's active biosolids land application in those creek watersheds, detailed above pp. 6-7; and prior to February 5, 2020, which is the date where PFOA and PFOS contamination was reported

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[47] Carol F. Kwiatkowski, et al., *Scientific Basis for Managing PFAS as a Chemical Class,* Environ. Sci. & Tech. Letters 2020, 7(8), 532-543 (June 30, 2020) (hereinafter "Kwiatkowski, 2020") (Attachment 34 hereto) *available at* https://perma.cc/2CG2-WJC3.

[48] *Id.*

[49] *E.g.,* Trion March 2018 NPDES Application, EPA Form 3510-2A (Rev. 1-99) at pp. 6 of 21, 8 of 21, 10 – 19 of 21. In its NPDES Application, Trion denies that Mount Vernon Mills, its sole Significant Industrial User "caused or contributed to any problems" at the Trion WPCP treatment works. *Id.* at p. 19 of 21. This denial is belied by the substantial contamination data discussed herein.

[50] Trion 2020 Consent Order at p. 3.

in the Trion WPCP influent from the Mill and Effluent to the Chattooga River, as detailed above, pp. 6–7. [51]

Additional dates of Trion's violations of the Clean Water Act § 1311(a) are as set forth in Table 1 and Table 2 above, pp. 8–10, corresponding to PFAS discharges to the Chattooga River from Outfall 001, and PFAS discharges from Mount Vernon Mills to the WPCP on February 5, February 13, June 22, August 4, October 12, December 16, 2020, and February 24, 2021.

These violations are continuing, because, *inter alia*, Mount Vernon Mills continues to discharge PFAS to the Trion WPCP in its wastewater, and there are no treatment methods or pretreatment requirements imposed that would remove or destroy PFAS before they contaminate biosolids sludge generated by the WPCP, and before PFAS are discharged to the Trion WPCP from Mount Vernon Mills, or from the Trion WPCP to the Chattooga River at Outfall 001. Trion has violated, and will continue to violate, the Clean Water Act's prohibition on unpermitted discharges each and every day it discharges wastewater containing PFAS pollutants received from the Mill.

B. Trion's violations of NPDES Permit No. GA0025607 and national pretreatment effluent standards, 33 U.S.C. §§ 1317(b), (d)

The Trion WPCP is governed by NPDES Permit No. GA0025607, which became effective on or about February 11, 2019. As detailed below, Trion is violating its NPDES Permit, and each unpermitted discharge constitutes a separate, continuing violation of the Clean Water Act. 33 U.S.C. § 1319(d); Trion NPDES Permit Part II.B.1 (RESPONSIBILITIES – DUTY TO COMPLY) (at p. 18 of 25) ("The permittee must comply with all conditions of this permit. Any permit noncompliance is a violation of the Federal Clean Water Act, State Act, and the State Rules…").

1. Violations of Effluent Toxicity and Biomonitoring requirements imposed by NPDES Permit Part I.A.5

The NPDES Permit at Part I.A.5. imposes the following Special Condition:

> 5. EFFLUENT TOXICITY AND BIOMONITORING REQUIREMENTS
>
> The permittee shall comply with effluent standards or prohibitions established by section 307(a) of the Federal Act and with Chapter 391-3-6-.03(5)(e) of the State Rules and may not discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life.

(Trion NPDES Permit, at p. 4 of 25).

Trion has violated this NPDES Permit Special Condition by allowing and causing the "discharge of toxic pollutants in concentrations or combinations that are harmful to humans,

[51] Trion 2020 Consent Order at p. 4.

animals, or aquatic life" in the form of PFOA, PFOS and other PFAS in violation of the effluent standards and prohibitions imposed by the Clean Water Act on at least the dates of violation identified above, pp.7–10, corresponding to Trion's continual receipt of PFAS influent from the Mill, continued discharge from land disposed sludge, and continued discharge of PFAS from the WPCP's Outfall 001, which violations are continuing. The sampling data, scientific literature, and EPD and EPA investigations detailed in this letter establish that the Trion WPCP discharges are causing and contributing to the widespread contamination of the environment by PFAS in concentrations and combinations harmful to humans, animals, and aquatic life in the Chattooga River watershed and Weiss Lake, which serves as a public drinking water source, and supports a vibrant fish population that thousands of residents and visitors enjoy annually.

For the same reasons, and on the same dates, Trion is in violation of Special Condition Part I.A.5. by failing to comply with GA. COMP. RULES AND REGS. r. 391-3-6-.03(5)(e), which in turn requires that "All waters shall be free from toxic … substances discharged from municipalities, industries or other sources, such as nonpoint sources, in amounts, concentrations or combinations which are harmful to humans, animals or aquatic life." The Trion WPCP is in continuing violation of this Special Condition, given the above-described PFAS sampling analytical data, and the wastewater treatment process employed at the Trion WPCP, which is wholly ineffective at removing or destroying PFAS before it enters the environment, and is instead exacerbating the pollutant concentrations discharging from Outfall 001.

2. Violations of the Endangering Waters Notice and Injury Prevention requirements imposed by NPDES Permit Part II.A.11

Trion's NPDES Permit Part II.A.11 provides, in pertinent part:

> 11. NOTICE CONCERNING ENDANGERING WATERS OF THE STATE
>
> Whenever … any toxic … substance, or any other substance which would endanger downstream users of the waters of the State or would damage property, is discharged to such waters, or is so placed that it might flow, be washed, or fall into them, it shall be the duty of the person in charge of such substances at the time to forthwith notify EPD in person or by telephone of the location and nature of such danger, and it shall be the person's further duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream users of said water.

(Trion NPDES Permit, at p. 16 of 25).

Trion is in violation of these requirements by failing to take reasonable and necessary steps to prevent endangering downstream users and injury caused by its continuing PFAS discharges to the Chattooga River, and each day of Trion's inaction constitutes a separate date of violation. Trion is likewise in violation of these requirements on the same dates by failing to impose pretreatment requirements on Mount Vernon Mills that would remove PFAS before it contaminates both biosolids sludge generated by the WPCP, and the WPCP's final effluent at Outfall 001.

For the reasons detailed in this letter, the ecosystem and downstream users of waters in the Chattooga River watershed, Weiss Lake, and the Coosa River downstream of Weiss Lake are endangered by Trion's inaction with respect to enforcing and properly administering its pretreatment program and the WPCP's continued PFAS discharges, due to the persistent nature of these pollutants, accumulation in sediment and their broad physical distribution in the water column, [52] toxicity to both humans and wildlife, and the threats they pose to drinking water sources for multiple human population centers that rely on the waters that Trion's WPCP continues to contaminate with PFAS. Likewise, Trion is in violation of its Permit requirement to forthwith notify EPD of the nature of the dangers caused by its continual PFAS contamination. These violations are continuing.

3. Violations of the Notice of Introduction of Pollutants Special Conditions imposed by NPDES Permit Part I.A.4

Trion's NPDES Permit at Part I.A.4. imposes the following Special Conditions:

> 4. INTRODUCTION OF POLLUTANTS INTO THE PUBLICLY OWNED TREATMENT WORKS (POTW)
>
> The permittee must notify EPD of:
>
> a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the Federal [Clean Water] Act if the pollutants were directly discharged to a receiving stream; and
>
> b. Any substantial change in the volume or character of pollutants from a source that existed when the permit was issued.
>
> This notice shall include information on the quality and quantity of the indirect discharge introduced and any anticipated impact on the quantity or quality of effluent to be discharged from the POTW.

(Trion NPDES Permit, at p. 4 of 25).

Trion has violated this NPDES Permit Special Condition, Part I.A.4 (a) by failing to notify EPD of the introduction of PFAS into the Trion WPCP, a Publicly Owned Treatment Works (POTW), given that PFAS are pollutants, and are therefore subject to the effluent limitations imposed by the Clean Water Act Section 301, 33 U.S.C. § 1311(a).

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[52] *See e.g.,* EPA 2019 Weiss Lake PFAS Report *supra* Note 15 at pp. 14-15, 17 (observing "relatively even distribution of detected PFAS throughout the stratified water column" in Weiss Lake, with the Chattooga River one of the two "most significant contributors" of PFOA and PFOS contamination to the Lake "and associated public drinking water intakes"), 38-39 (Figures 4 and 5; Tables 13 and 14) (Attachment 16 hereto).

Additionally, Trion has violated this NPDES Permit Special Condition, Part I.A.4 (b) by failing to notify EPD that the character of pollutants disclosed in Trion 2018 NPDES Application substantially changed from that which "existed when the permit was issued," given that no PFAS were identified as a pollutant wastestream in the Application, [53] yet these harmful pollutants are being introduced into the Trion WPCP and discharged from the WPCP via Outfall 001 and in biosolids, triggering a duty by Trion to "include information on the quality and quantity of the indirect discharge introduced and any anticipated impact on the quantity or quality of effluent to be discharged from" the Trion WPCP. The dates of Trion's violations of these NPDES Permit conditions correspond with each date of Trion's failure to act in accordance with these Permit requirements.

As the permittee with superior knowledge, information, and responsibility concerning the wastes it is handling, treating, and discharging, *Trion* – not EPD, EPA, or the public – is obligated by law and this NPDES Permit Special Condition to tender these notices. Trion's failure to do so has caused PFAS pollution to discharge unabated, as detailed in this letter, circumventing both the letter and the intent of this Permit Special Condition. Trion's violations of NPDES Permit Special Condition, Part I.A.4 (a) and (b) are continuing, as no notice has yet been tendered by Trion to EPD so that effluent limitations can be properly imposed to eliminate PFAS pollution that is entering the Trion WPCP from Mount Vernon Mills, and in turn polluting the environment with PFAS from Outfall 001 and biosolids generated by the treatment works.

4. Trion's Failure to Properly Administer and Enforce Approved Industrial Pretreatment Program Standards required by 33 U.S.C. §§ 1317(b), (d) and NPDES Permit Part III.A

Trion's WPCP is governed by the Clean Water Act's national pretreatment standards, which govern the discharge of industrial wastewater to wastewater treatment plants. 33 U.S.C. §§ 1317(b), (d). These wastewater discharges to treatment plants such as the Trion WPCP are from so-called "Industrial Users," and they require permits, known as pretreatment permits. [54] The Clean Water Act pretreatment program "assures the public that [industrial] dischargers cannot contravene the [Clean Water Act's] objectives of eliminating or at least minimizing discharges of toxic and other pollutants simply by discharging indirectly through [wastewater treatment plants] rather than directly to receiving waters." [55] As is appropriate, the pretreatment

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[53] Further, it appears that the Mill changed the character of its PFAS discharges to the WPCP at some point in the past while similarly failing to disclose those particulars to Trion, EPD, or the public, as evidenced by the Mill's reference to "the primary fluorochemicals that we're using *today…*" (*supra*, Note 8) (Attachment 4 hereto) (emphasis added).

[54] GA. COMP. RULES AND REGS. r. 391-3-6-.08(1) (Purpose, "to provide for the degree of wastewater pretreatment required and the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of pretreatment permits for the discharge of any pollutant into a publicly owned treatment works and then into waters of the State."); GA COMP. RULES & REGS. r. 391-3-6-.08(2)(q) (definition of pretreatment permit).

[55] General Pretreatment Regulations for Existing and New Sources, 52 Fed. Reg 1586, 1590 (Jan. 14, 1987) (codified at 40 C.F.R. § 403).

program is intended to place the burden of treating polluted discharges on those that create the pollution, rather than on taxpayers that support municipally owned wastewater treatment plants, or publicly owned treatment works (or on the general public, users of downstream drinking water systems, or on wildlife who also rely on these waters).

Municipalities such as the Town of Trion are required to "*fully and effectively exercis[e] and implement[]*" their authority to: (1) "[d]eny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the [publicly owned treatment works] by Industrial Users where such contributions do not meet appliable Pretreatment Standards and Requirements or where such contributions would cause the [publicly owned treatment works] to violate its NPDES permit…" [56]

Furthermore, municipalities are required to "fully and effectively exercise[] and implement[]" their authority to "[i]dentify the character and volume of pollutants contributed to the [publicly owned treatment works]" by Industrial Users, [57] and to "immediately and effectively halt or prevent any discharge of pollutants to the [publicly owned treatment works] which reasonably appears to present an imminent endangerment to the health and welfare of persons." [58] These requirements are intended to ensure that pretreatment programs that are administered by municipalities do not violate the Clean Water Act or state water quality laws and standards, as is being done here at the Trion WPCP.

The national pretreatment standards provide that Industrial Users such as Mount Vernon Mills "may not introduce into a [Publicly Owned Treatment Works such as the Trion WPCP] any pollutant(s) which cause Pass Through or Interference." 40 C.F.R. § 403.5(a)(1). To implement this requirement, the Trion WPCP is required to impose specific limits in administering its pretreatment program to prevent such Pass Through or Interference. 40 C.F.R. §§ 403.5(c)(1), (c)(2). Additionally, Trion's NPDES Permit Part III.A.1. provides that the "permittee's approved pretreatment program shall be enforceable through this permit."

As evidenced by the data detailed above, Trion has failed to properly exercise this authority in administering its pretreatment program requirements governing Mount Vernon Mills' discharges, in violation of the national pretreatment standards regulations, 40 C.F.R. § 403.5, and Trion's NPDES Permit.

Part III.A.2. of Trion's NPDES Permit provides that Trion "shall administer the approved pretreatment program" by, among other things:

> b. Enforcing and obtaining appropriate remedies for noncompliance by any industrial user with any applicable pretreatment standard or requirements defined by Section 307(b) and (c) of the Federal Act, 40 CFR Part 403.5 and 403.6 or any State or local requirement, whichever is more stringent. [and]

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[56] 40 C.F.R. § 403.8(f)(1)(i) (emphasis added).

[57] *Id. at* § 403.8(f)(2)(ii).

[58] *Id. at* § 403.8(f)(1)(vi)(B).

> c. Revising the adopted local limits based on technical analysis to ensure that the local limits continue to prevent:
>
> i. Interference with the operation of the POTW;
> ii. Pass-through of pollutants in violation of this permit;
> iii. Municipal sludge contamination; and
> iv. Toxicity to life in the receiving stream.
>
> Within 180 days of the effective date of this permit issuance or reissuance (excluding permit modifications), the permittee shall review the local limits of the program and submit to EPD a written technical evaluation of the need to revise the local limits.

(Trion NPDES Permit, at p. 16 of 25). These mandates are mirrored in the state and federal regulations. GA. COMP. RULES AND REGS. r. 391-3-6-.09(9)(a)6 ("The POTW shall have the authority… to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons"); 40 C.F.R. § 403.8(f)(1)(vi)(B).

The NPDES Permit at Part III.A.2.f also requires that Trion administer the pretreatment program by:

> f. Equitably maintaining and adjusting revenue levels to ensure adequate and continued pretreatment program implementation.

(Trion NPDES Permit, at p. 16 of 25).

Trion has violated and continues to violate the national pretreatment standards and its NPDES permit by failing to exercise its powers and responsibilities to halt and prevent PFAS discharges to the Trion WPCP from Mount Vernon Mills required by GA. COMP. RULES AND REGS. R. 391-3-6-.09(9)(a)6, and 40 C.F.R. § 403.8(f)(1)(vi)(B) and its NPDES Permit, Part III.A.2.b., which imposes a duty on Trion to enforce or obtain appropriate remedies for noncompliance by an Industrial User with any applicable pretreatment standard or regulation, or "any State or local requirement, *whichever is more stringent*." (emphasis added).

Similarly, Trion is in violation of the national pretreatment standards by failing to obtain appropriate remedies against Mount Vernon Mills for its violation of 40 C.F.R. § 403.5(a)(1), which in turn prohibits industrial users (the Mill) from introducing into a publicly owned treatment works (the Trion WPCP) any pollutants which cause Pass Through or Interference. By the same token, Trion has failed to impose specific limits in its pretreatment program to prevent Pass Through or Interference by the Mill under 40 C.F.R. §§ 403.5(c)(1), (c)(2), and has failed to revise or adopt local limits based on the overwhelming data and information detailed above concerning Mount Vernon Mills' PFAS pollutant discharges to the Trion WPCP, which is causing physical, chemical, and biological harm to human health and the environment. That is, Trion has failed to comply with both the letter and the spirit of these pretreatment program requirements, in violation of 40 C.F.R. §§ 403.5(c)(1), (c)(2), and Trion's NPDES Permit Part III.A.2.c, including each and every subpart: (i) (Interference); (ii) (Pass-Through of pollutants in

violation of Trion's NPDES Permit); (iii) (municipal sludge contamination with PFAS); and (iv) (toxicity to life in the receiving stream by PFAS contamination).

"Pass Through" "means a Discharge which exits the [Trion WPCP] into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the [Trion WPCP's] NPDES permit (including an increase in the magnitude or duration of the violation)." 40 C.F.R. § 403.3(p). As detailed above, Mount Vernon Mills discharges PFAS into the Trion WPCP, which discharges from Outfall 001, in violation of Trion's NPDES permit. These continuing discharges increase both the duration of the violation, and their magnitude, given that Trion has undertaken no steps to cease its PFAS discharges, and in light of the harmful physical and chemical nature of PFAS, such as its mobility and persistence in the environment once it is discharged, as well as its toxicity as detailed above. The Mill's PFAS discharges to the Trion WPCP and its subsequent discharge from Outfall 001 are a quintessential Pass Through of pollutants. Trion's failure to impose specific limits to prevent Pass Through, failure to prohibit these illegal discharges, failure to enforce or remedy these continuing acts, and failure to revise and adopt local limits to prevent them from occurring, are in violation of Trion's NPDES Permit and federal law. 40 C.F.R. §§ 403.5(a)(1), 403.5(c)(1), (c)(2); NPDES Permit Part III.A.2.b; Part III.A.2.c.(ii).

"Interference" with a publicly owned treatment works "means a Discharge, which, alone or in conjunction with a discharge or discharges from other sources, both:" … "Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and … Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with … the Resource Conservation and Recovery Act (RCRA), and including state regulations …" 40 C.F.R. § 403.3(k).

As detailed above, Mount Vernon Mills has for years, and continues, to discharge PFAS into the Trion WPCP which has fundamentally inhibited and disrupted the intended function of the treatment works – which function is intended to remove and reduce pollution in compliance with the Clean Water Act. Instead, Mount Vernon Mills has discharged and continues to discharge PFAS to the Trion WPCP, thereby extending the "duration" of the violation and increasing its "magnitude" – 40 C.F.R. § 403.3(k) – *expanding* and *worsening* the harmful polluting effects of the Trion WPCP's wastewater treatment works, by: (i) causing PFAS concentrations to continue polluting the Chattooga River and connected waters, including Weiss Lake, unabated, rather than removing PFAS pollution prior to discharging it via Outfall 001; (ii) causing PFAS concentrations to *increase* by virtue of the conventional wastewater treatment operations employed by the Trion WPCP, before PFAS discharges to the Chattooga River via Outfall 001 [59]; (iii) contaminating biosolids sludge generated by the Trion WPCP, inhibiting and disrupting Trion's sludge processes, use and disposal, for example, by no longer enabling Trion to land apply biosolids, and requiring instead Trion to dispose of biosolids in landfills, where PFAS will continue to contaminate the receiving landfills and the environment in its landfill leachate; and (iv) violating and causing Trion to violate RCRA due to PFAS pollution discharges

[59] *See, e.g.,* Note 8 and Note 9 *supra*, Attachment 4, Attachment 5, and Attachment 6 hereto.

to the Trion WPCP and from it, via disposal of PFAS-contaminated biosolids in a manner that presents an imminent and substantial endangerment to health and the environment, as further detailed in Section IV below (Trion's RCRA violations). Mount Vernon Mills' PFAS discharges to the Trion WPCP are therefore an Interference with the WPCP treatment works.

Trion's failure to prohibit these illegal discharges, failure to impose specific limits to prevent Pass Through or Interference, failure to enforce or remedy these continuing acts, and failure to revise and adopt local limits to prevent them from occurring are in violation of Trion's NPDES Permit and federal law. NPDES Permit Part III.A.2.b; NPDES Permit Part III.A.2.c.(i) 40 C.F.R. §§ 403.5(a)(1); 403.5(c)(1), (c)(2). Trion is failing to "fully and effectively exercise[] and implement[]" its authority and its responsibility to "immediately and effectively to halt or prevent any discharge of pollutants to the [Trion WPCP] which reasonably appears to present an imminent endangerment to health or welfare of persons," as required by the Clean Water Act and Federal law. 40 C.F.R. § 403.8(f)(1).

Finally, Trion has violated and continues to violate its NPDES Permit Part III.A.2.f by failing to maintain and adjust revenue levels to ensure that the PFAS contamination that is violating the pretreatment program is prevented. Trion has failed: (i) to require Mount Vernon Mills to properly disclose and pretreat its PFAS wastes before it is introduced into the Trion WPCP in violation of the pretreatment program requirements as set forth above; and (ii) to adjust its revenue levels to upgrade its own treatment systems to effectively remove PFAS from its biosolids and its own effluent discharge to the Chattooga River at Outfall 001, despite the wastewater volume that is dominated by the Mill's industrial waste. These failures are continuing and are in violation of the NPDES Permit Part III.A.2.f. The dates of Trion's violations are as set forth above, pp. 7–10.

IV. Trion's Violations of the Resource Conservation and Recovery Act

Trion is violating RCRA by causing harmful, environmentally persistent, and toxic PFAS pollution to contaminate groundwater and enter surface waters from its land application of sludge at sites along Teloga Creek, Racoon Creek, and Hinton Creek in a manner that may present an imminent and substantial endangerment to health and the environment.

As set forth above at pp. 6–12, extensive environmental sampling confirms significant PFAS contamination in the Teloga Creek, Racoon Creek, and Hinton Creek watersheds corresponding to Trion's land application of biosolids from the WPCP. Trion's own sampling data confirms that heavily contaminated sludge continues to be generated by the WPCP, with concentrations including, but not limited to the following:

[see next page]

Table 3	
Date (Sludge biosolids)	**Total PFAS concentration** [60] (nanograms per kilogram dry, or parts per trillion (ppt))
February 5, 2020 [61]	490,100 ppt
February 13, 2020 [62]	408,000 ppt (PFOA, PFOS only) 331,000 ppt (PFOA, PFOS only) 363,000 ppt (PFOA, PFOS only) 366,000 ppt (PFOA, PFOS only)
June 22, 2020 [63]	1,326,294 ppt
August 4, 2020 [64]	1,417,370 ppt
October 12, 2020 [65]	1,641,470 ppt

[60] PFAS concentrations correspond to analytical data reported without a "U" or other lab analytical data qualifier, rounded to nearest whole number, other than "Q" qualifier, which represents the limit of quantitation; the actual reported total PFAS data in cited reports are higher when including data featuring qualifiers. Reported PFAS compounds include, but are not limited to, PFOA, PFOS, FOSA, N-MeFOSAA, PFBA, PFDS, PFHpA, PFHxA, PFHxS, PFHpA, PFHpS, PFUnDA, PFDoDA, PFTrDA, PFTeDA, PFNA, PFDA, PFUdA, PFPeA, PFPeS, PFHpS, PFOSA, N-EtFOSAA, N-MeFOSAA, PFPeA, PFHxA, 8:2 FTS, or some combination of the foregoing as detailed in the cited sample analytical reports, in addition to other PFAS compounds.

[61] Trion PFAS Analytical Results Feb. 5, 2020 at pp. 9-10 (Belt Press 1) (Attachment 17 hereto).

[62] Trion PFAS Analytical Results Feb. 13, 2020 at pp. 11-14 (Sludge Press 1, Sludge Press 1 duplicate, Sludge Press 2 duplicate samples) (Attachment 18 hereto) (results converted from micrograms per kilogram (µg/kg) to nanograms per kilogram (ng/kg)).

[63] Trion PFAS Analytical Results June 22, 2020 at pp. 17-18 (Sludge) (Attachment 19 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[64] Trion PFAS Analytical Results August 4, 2020 at pp. 17-18 (Sludge) (Attachment 20 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[65] Trion PFAS Analytical Results October 12, 2020 at pp. 18-19 (Sludge) (Attachment 21 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

Table 3	
Date (Sludge biosolids)	**Total PFAS concentration** [60] (nanograms per kilogram dry, or parts per trillion (ppt))
December 16, 2020 [66]	1,160,980 ppt
February 24, 2021 [67]	758,000 ppt

This data establishes that heavily contaminated biosolids generated by the Trion WPCP deposited in the Teloga Creek, Racoon Creek, and Hinton Creek watersheds may present an imminent and substantial endangerment to health and the environment, as these wastewater handling and treatment methods have been unchanged for years. Trion has been land applying biosolids from the WPCP for several years, and Mount Vernon Mills has been discharging PFAS to the Trion WPCP for just as long.

As extensive EPA and EPD investigations in the region confirms, (*See* discussion pp. 6-12, *supra*), past land application of this contaminated sludge continues to contaminate groundwater and continues to discharge to surface waters, including the Chattooga River and its tributaries, as well as Weiss Lake, and the Coosa River that flows from it through Alabama. The Trion WPCP continues to generate this heavily contaminated sludge in its wastewater treatment operations, which will in turn contaminate any receiving landfills with PFAS as leachate.

A. Trion's imminent and substantial endangerment to health and the environment

Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), allows affected citizens to bring suit against:

> any person, … including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

The term "solid waste" means "any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, … and other discarded material, including solid, liquid, semisolid, … from industrial, commercial, mining, and agricultural operations, and from community

[66] Trion PFAS Analytical Results December 16, 2020 at p. 16 (Sludge) (Attachment 22 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[67] Trion PFAS Analytical Results February 24, 2021 at p. 17 (Sludge) (Attachment 23 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

activities…". [68] The meaning of "discard" is "'cast aside; reject; abandon; give up.'" [69] RCRA defines disposal as "the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water." 42 U.S.C. § 6903(3). By land-applying wastewater treatment sludge biosolids, Trion has disposed of a solid waste in a manner which may create an imminent and substantial endangerment to health or the environment, as detailed above, pp. 6–7.

Indeed, a substantial proportion of the PFAS contamination of Weiss Lake is attributed to the Chattooga River and the Trion WPCP's biosolids land application sites, as set forth above, pp. 10–11. These concentrations far exceed applicable 2021 Minimal Risk Levels established by the ATSDR, [70] with surface water concentrations reported in multiple locations exceeding those MRLs. For instance, surface water samples collected by EPA in Teloga Creek at a location downstream of the Trion WPCP's biosolids land application has reported PFOA and PFOS at 200 ppt, and total PFAS at 5,840 ppt. [71] Furthermore, EPA concluded, based on its extensive environmental sampling and analysis, that the Chattooga River is contaminating Weiss Lake with "[t]he *highest concentration* of total PFAS and the *most diverse composition*…" as compared with the Coosa River, which also flows to Weiss Lake. [72] As discussed above pp. 13–16, PFAS are dangerous industrial chemicals that are highly persistent in the environment, meaning that Trion's continuing PFAS contamination worsens over time as these industrial toxins continue to spread and accumulate. Trion's past generation, treatment, handling, storage, transportation, and disposal of PFAS contaminated sludge through land application is polluting the land, groundwater, and surface water and is contaminating the drinking water source of downstream populations, as well as contaminating the aquatic ecosystem, where fish are exposed to PFAS, which in turn places people who may catch and consume those fish at risk.

Trion's mishandling of these wastestreams as set forth above may present an imminent and substantial endangerment to health and the environment, with each and every continuing PFAS release to the environment from land disposal activities in the Chattooga River watershed.

V. Persons Responsible for Violations

The Town of Trion owns and operates the Trion WPCP discharging pollutants via Outfall 001, administers the pretreatment program pertaining to its Industrial User, Mount Vernon Mills, and land applied PFAS-contaminated biosolids generated by the WPCP in the Chattooga River

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[68] 42 U.S.C. § 6903(27).

[69] *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1041 (9th Cir. 2004)(citation omitted); *see also Am. Mining Cong. v. EPA*, 824 F.2d 1177, 1184 (D.C. Cir. 1987) (defining "discarded" as "'disposed of,' 'thrown away' or 'abandoned'") (citation omitted).

[70] *See* discussion *supra*, pp. 13–16.

[71] *See* EPA 2020 Chattooga PFAS Report at pp. 14-15, 26 (Figure 2, sample locations TEC01 (Teloga Creek surface sample location)) (Attachment 7 hereto); *see* discussion, *supra*, pp. 6-12 and Figure 2 in this letter (Teloga Creek sample results).

[72] EPA 2019 Weiss Lake PFAS Report at p. 17, Note 15 *supra* (Attachment 16 hereto).

watershed for years, and since at least prior to the dates where PFAS were identified in the Trion 2020 Consent Order attributed to such sludge land-application. Pursuant to 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, the Town of Trion is identified as the person responsible [73] for all violations described in this letter.

VI. Persons Giving Notice

In accordance with 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, Coosa River Basin Initiative provides the names, addresses and telephone numbers of the persons giving notice of intent to sue.

Coosa River Basin Initiative
5 Broad Street
Rome, GA 30161
(706) 232-2724

Coosa River Basin Initiative is a non-profit corporation organized under the State of Georgia that seeks to protect, preserve, and restore one of North America's most biologically diverse river systems, the Coosa River Basin, including the Chattooga River and Weiss Lake. Coosa River Basin Initiative achieves these purposes and objectives through education, advocacy, monitoring, public engagement, social events, sampling, pollution prevention measures, and seeking redress in the courts where reasonably necessary. Coosa River Basin Initiative is a member organization with more than 500 members, including individuals, families, and businesses – many of whom live and work, swim, fish, boat, recreate, and engage in social events in, near, and on the Chattooga River and connected waters, including Weiss Lake downstream from Trion's pollution. These members are harmed by Trion's Clean Water Act and Resource Conservation and Recovery Act violations and the ongoing harms that will occur unless and until Trion takes action to cease these harms.

The Southern Environmental Law Center is legal counsel for Coosa River Basin Initiative in this matter. Any response or correspondence related to this letter should be directed to the Southern Environmental Law Center at the address and/or telephone number below.

VII. Legal Counsel

Pursuant to 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, the following legal counsel, who will be representing Coosa River Basin Initiative, are identified:

Christopher J. Bowers
Hutton Brown
Bob Sherrier
Southern Environmental Law Center
Ten 10th Street NW

[73] Under both the Clean Water Act, and the Resource Conservation and Recovery Act, the term "person" includes municipalities. 33 U.S.C. § 1362(5); 42 U.S.C. § 6903(14).

Suite 1050
Atlanta, GA 30309
(404) 521-9900
cbowers@selcga.org
hbrown@selcga.org
bsherrier@selcga.org

VIII. Notice of intent to sue

As set forth in this letter, Trion has been, and continues to be in violation of the Clean Water Act by discharging PFAS into surface waters via Outfall 001, and by violating its NPDES permit and duty to enforce and properly administer its Clean Water Act pretreatment program. Trion's actions described above may present an imminent and substantial endangerment to health or the environment, in violation of the Resource Conservation and Recovery Act. A civil action under section 505 of the Clean Water Act and section 6972 of RCRA will be initiated against the Town of Trion once applicable notice periods have expired or soon thereafter unless the violations described above are fully redressed.

If litigation is necessary, Coosa River Basin Initiative will seek redress for the violations described in this letter, including injunctive relief, litigation costs, and expert fees and attorneys' fees and expenses under U.S.C.§§ 1365(a) and (d), 42 U.S.C. §§ 6972(a)(1)(B), 6972(e). Coosa River Basin Initiative will also seek civil penalties to the maximum extent allowable by law under 40 C.F.R. § 19.4 not to exceed $59,973 per day per violation of the Clean Water Act under 33 U.S.C. § 1319(d) and 40 CFR § 122, and civil penalties not to exceed $81,540 per day per violation of the Resource Conservation and Recovery Act under 42 U.S.C. 6928(g).

Coosa River Basin Initiative reserves the right to add additional claims to the specific Clean Water Act and RCRA violations set forth above based on the same or similar patterns of conduct. Coosa River Basin Initiative also reserves the right to seek additional remedies under state and federal law and does not intend, by giving this notice, to waive any other rights or remedies.

During the relevant notice period, Coosa River Basin Initiative is willing to discuss effective remedies for the violations detailed in this letter. If you wish to pursue negotiations in the absence of litigation, you should initiate such negotiations within the applicable notice period soon enough so that they can be completed, and the violations ceased, prior to the date that the notice periods elapse.

Thank you for your attention to this matter.

Sincerely,

Christopher J. Bowers

Hutton Brown

Bob Sherrier

Southern Environmental Law Center
Ten 10th Street NW
Suite 1050
Atlanta, GA 30309

Enclosures – USB flash drive (containing Attachments, and a PDF of this letter featuring Internet links enabling access to the referenced Attachments and other Footnoted materials)

CC: *(via certified mail, with enclosed USB flash drive containing Attachments and a PDF of this letter)*:

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
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Washington, DC 20460

Daniel Blackman
Regional Administrator
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
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Atlanta, GA 30303-3104

Merrick Garland
U.S. Attorney General

U.S. Department of Justice
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Anna Truszczynski
Chief
Watershed Protection Branch
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(via email only, amalexander@grsm.com, ksheridan@gordonrees.com, without enclosures):

Ann Marie Alexander Esq.
Gordon Rees Scully Mansukhani LLP-IL
1 North Franklin Street
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Kimberly C. Sheridan, Esq.
Gordon Rees Scully Mansukhani, LLP
55 Ivan Allen Jr. Blvd. NW, Suite 750
Atlanta, GA 30308

Attachments	
1.	Frank Sargeant, "Prime Time for Weiss Lake crappie," The Huntsville Times (Dec. 2, 2012), *available at* https://www.al.com/sports/2012/12/prime_time_for_weiss_lake_crap.html
2.	Welcome to Weiss Lake Improvement Association!, *available at* https://weisslakeimprovementassociation.org/
3.	Town of Trion Water Pollution Control Plant Process Description
4.	July 13, 2020 email from R. Beegle, Corporate Director of Environmental Affairs, Mount Vernon Mills, to A. Melton, Superintendent, Town of Trion WPCP, *Re: Town of Trion WPCP PFAS Results*
5.	Melissa M. Schultz, *et al.*, *Fluorochemical mass flows in a municipal wastewater treatment facility,* 40 Environmental Sci. & Tech. 7350–57 (December 1, 2006) *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556954/
6.	July 13, 2020 email from Elizabeth Booth, Georgia Department of Natural Resources, to Anna Truszczynski, Lewis Hayes, James Capp, Georgia Department of Natural Resources re "Town of Trion 6-22-20 PFAS Results"
7.	EPA, LSASD Project ID: 20-0018, CHARACTERIZATION OF AMBIENT PFAS IN THE CHATTOOGA RIVER WATERSHED – FINAL REPORT (Jan. 22, 2020) ("**EPA 2020 Chattooga PFAS Report**")
8.	April 13, 2020 Consent Order No. EPD-WP-8894 among Town of Trion, Georgia and Richard E. Dunn, Director of the Environmental Protection Division, Georgia Department of Natural Resources
9.	EPA, Unregulated Contaminants Monitoring Rule 3 ("UCMR3") (2013-2015) Occurrence Data, UCMR3 Data Summary (*available at* https://www.epa.gov/dwucmr/data-summary-third-unregulated-contaminant-monitoring-rule
10.	Instructions for Importing and Viewing UCMR3 Results (*available at* https://www.epa.gov/dwucmr/instructions-using-microsoft-excel-import-third-unregulated-contaminant-monitoring-rule-ucmr)
11.	UCMR3 Occurrence Data By State (January 2017) *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-state.zip
12.	UCMR3 Occurrence Data by Method Classification *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-method-classification.zip
13.	EPA, National Contaminant Occurrence Database ("NCOD") *available at* https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod
14.	Trion March 2018 NPDES Application, EPA NPDES FORM 2A Additional Information – Sludge Addendum, Part C: LAND APPLICATION OF SEWAGE SLUDGE
15.	Email dated January 31, 2020 from Tyler Parsons, Georgia EPD, to James Capp, Audra Dickson, *et al.,* Georgia EPD, re "Trion Biosolids Land Application Data and map"

Attachments	
16.	EPA, LSASD Project ID: 19-0253 FINAL REPORT – PHASE 2: PRIORITIZATION OF PFAS CONTRIBUTIONS TO WEISS LAKE (Sept. 10, 2019) ("**EPA 2019 Weiss Lake PFAS Report**")
17.	Jason Collum, Memorandum February 20, 2020, EPA, Region 4 Laboratory Services and Applied Science Division, Project 20-0189, Trion Wastewater EPD PFAS, reporting samples collected February 5, 2020 ("Trion PFAS Analytical Results Feb. 5, 2020")
18.	Pace Analytical, February 19, 2020 Report of Analysis, Town of Trion WPCP, Lot No. VB14013, reporting samples collected February 13, 2020 ("Trion PFAS Analytical Results Feb. 13, 2020")
19.	Enthalpy Analytical, LLC – Ultratrace, July 9, 2020 Analytical Report 0620-756, Town of Trion WWTP samples received 06/23/20, reporting samples collected June 22, 2020 ("Trion PFAS Analytical Results June 22, 2020")
20.	Enthalpy Analytical, LLC – Ultratrace, August 24, 2020 Analytical Report 0820-703, Town of Trion WWTP samples received 08/05/20, reporting samples collected August 4, 2020 ("Trion PFAS Analytical Results August 4, 2020")
21.	Enthalpy Analytical, LLC – Ultratrace, October 29, 2020 Analytical Report 1020-725, Town of Trion WWTP samples received 10/13/20, reporting samples collected October 12, 2020 ("Trion PFAS Analytical Results October 12, 2020")
22.	Enthalpy Analytical, LLC – Ultratrace, January 8, 2021 Analytical Report 1220-737, Town of Trion WWTP samples received 12/17/20, reporting samples collected December 16, 2020 ("Trion PFAS Analytical Results December 16, 2020")
23.	Enthalpy Analytical, LLC – Ultratrace, March 11, 2021 Analytical Report 0221-759, Town of Trion WWTP samples received 02/25/21, reporting samples collected February 24, 2021 ("Trion PFAS Analytical Results February 24, 2021")
24.	EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, *available at* https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas
25.	Arlene Blum et al., *The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs)*, 123 ENVTL. HEALTH PERSPECTIVES 5 (2015) ("The Madrid Statement")
26.	EPA, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories* (Nov. 2016) *available at* https://www.epa.gov/sites/default/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf
27.	U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry ("ATSDR"), Toxicological Profile for Perfluoroalkyls (May 2021) (hereinafter "ATSDR 2021 PFAS Toxicological Profile"), *available at* https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf
28.	Haihua Huang et al., *Toxicity, Uptake Kinetics and Behavior Assessment in Zebrafish Embryos Following Exposure to Perfluorooctanesulphonicacid (PFOS)*, 98 AQUATIC TOXICOLOGY 139–147 (2010), *available at* https://perma.cc/YVQ6-7QXG
29.	Gerald T. Ankley et al., *Partial Life-Cycle Toxicity and Bioconcentration Modeling of Perfluorooctanesulfonate in the Northern Leopard Frog (Rana Pipiens)*, 23

Attachments	
	ENVIRON. TOXICOLOGY & CHEM. 2745–2755 (2004), *available at* https://pubmed.ncbi.nlm.nih.gov/15559291/
30.	Changhui Liu et al., *Oxidative Toxicity of Perfluorinated Chemicals in Green Mussel and Bioaccumulation Factor Dependent Quantitative Structure-Activity Relationship*, 33 ENVIRON. TOXICOLOGY & CHEM. 2323–2332 (2014), *available at* https://pubmed.ncbi.nlm.nih.gov/24995545/
31.	Guang-hua Lu et al., *Toxicity of Perfluorononanoic Acid and Perfluorooctane Sulfonate to Daphnia magna*, 8(1) WATER SCIENCE & ENGINEERING 40–48 (2015), *available at* https://perma.cc/SM6P-CKKH
32.	U.S. National Institute of Health ("NIH"), *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), available at* https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm
33.	Fan Li et al., *Short-chain per- and polyfluoroalkyl substances in aquatic systems: Occurrence, impacts and treatment*, 380 CHEMICAL ENGINEERING J., (Aug. 2019), *available at* https://www.sciencedirect.com/science/article/abs/pii/S1385894719319096
34.	Carol F. Kwiatkowski, et al., *Scientific Basis for Managing PFAS as a Chemical Class,* Environ. Sci. & Tech. Letters 2020, 7(8), 532-543 (June 30, 2020) (hereinafter "Kwiatkowski, 2020"), *available at* https://perma.cc/2CG2-WJC3

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Attn: Andrew Melton, Superintendent
Town of Trion Water Pollution Control Plant
15131 Highway 27
Trion, GA 30753

9590 9402 5889 0049 0253 25

2. Article Number *(Transfer from service label)*

7019 0140 0000 9018 3953

PS Form 3811, July 2015 PSN 7530-02-000-9053

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1. Article Addressed to:

Attn: Hon. Lanny E. Thomas, Mayor
Town of Trion, Georgia
1220 Pine St.
P.O. Box 850
Trion, GA 30753

9590 9402 5889 0049 0253 32

2. Article Number *(Transfer from service label)*

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X ☒ Agent ☐ Addressee

B. Received by *(Printed Name)* Chery Mason C. Date of Delivery 4/11/22

D. Is delivery address different from item 1? ☐ Yes
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